



Virginia  
Regulatory  
Town Hall

[townhall.virginia.gov](http://townhall.virginia.gov)

## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	State Board of Social Services
<b>Virginia Administrative Code (VAC) citation</b>	22 VAC 40-221
<b>Regulation title</b>	Interstate Compact on the Placement of Children
<b>Action title</b>	Establish regulations for the Interstate Compact for the Placement of Children
<b>Document preparation date</b>	August 17, 2005

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Purpose

*Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.*

This regulation is intended to provide judges, licensed child placing agencies and other interested parties authority to rely on when addressing issues related to children who are placed across state lines for foster care or adoption.

Virginia is a member of the Interstate Compact on the Placement of Children (ICPC). The ICPC was codified in Virginia in 1975 (Chapter 10 of Title 63.2 of the Code of Virginia). States who have adopted the ICPC are also members of the Association of Administrators of the Interstate Compact on the Placement of Children (Association). This organization is an affiliate of the American Public Human Services Association (APHSA). The Association, as authorized in Article VII of the ICPC, developed regulations to ensure that uniform protections and services are provided to children who are placed outside of their home state. This action will take the ten regulations developed by the Association and promulgate them under Virginia's Administrative Process Act.

Some judges have questioned the authority behind the Association's regulations and have treated them more as guidelines. By promulgating regulations, Virginia will establish authority on which to rely in helping ensure that uniform treatment and services, as well as processes and forms are used when placing children outside of their home state.

## Legal basis

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.*

The legal authority for this regulation is found in Chapter 11 (§63.2-1105) of Title 63.2 of the Code of Virginia. Language in §63.2-1105 mandates that the State Board of Social Services “shall prescribe procedures and regulations to govern such placements out of the Commonwealth by licensed child placing agencies, local boards or courts.”

The Interstate Compact on the Placement of Children is found at Chapter 10 of Title 63.2 of the Code of Virginia, (Chapter 406 of the 1975 Acts of Assembly).

## Substance

*Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed. Include the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. Delineate any potential issues that may need to be addressed as the regulation is developed.*

This is a new regulation. The regulation will have ten sections mirroring the regulations developed by the Association of Administrators of the Interstate Compact on the Placement of Children. Those sections will cover:

- A requirement that the forms promulgated by the Association be used in the arranging, making, processing and supervision of placements in order to promote efficiency in processing and to facilitate communication.
- Procedures for when a placement that was originally intrastate, becomes interstate because the child's principle place of abode is moved to another state.
- Definitions addressing when the ICPC does or does not apply to placements between states.
- The requirement for a state ICPC administrative office and coordinator.
- Requirements related to time limitations when permission is given to place a child.
- Requirements related to priority placement requests.
- Requirements related to changes in a child's placement purpose.
- Definitions addressing differences in visits and placements.
- Definitions and requirements related to guardians.

This regulation will protect the health, safety and welfare of citizens by ensuring that forms and procedures used when placing children across state lines are uniform thus improving communication among all parties and ensuring that children receive appropriate and needed services.

### Alternatives

*Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action.*

---

Regulations are mandated by §63.2-1105 of Title 63.2 of the Code of Virginia. These regulations will meet the requirements of that section. No other alternatives are being considered.

### Family impact

*Assess the potential impact of the proposed regulatory action on the institution of the family and family stability.*

---

This regulation will help to strengthen and stabilize families involved in foster care and adoptions by providing authority to support the use of the regulations developed by the Association. Those regulations are intended to ensure uniformity in procedures used when placing children across state lines. Family stability is increased when communications between states are clear and procedures for ensuring appropriate treatment or services are known and followed.